

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

YVONNE EDITH MARIA SCHUMACHER,

No. C 15-5734 CW

Plaintiff,

ORDER EXTENDING  
TIME FOR SERVICE

v.

(Docket No. 44)

AIRBNB, INC., et al.,

Defendants.

\_\_\_\_\_/

Plaintiff Yvonne Schumacher files this motion to extend time for service on Defendant Fariah Hassim, and to effectuate service by publication. Plaintiff has served both other Defendants. The Court grants this motion in part and denies it in part.

Federal Rule of Civil Procedure 4(e)(1) allows parties to effectuate service as California law permits. Under California law, a summons may be served by publication if it appears "that the party to be served cannot with reasonable diligence be served in another manner" and if a cause of action exists against the party upon whom service is to be made. Cal. Civ. Proc. Code § 415.50(a). For example, a California Court of Appeal concluded that a corporation was not diligent enough where it discovered that the party to be served was in Canada but made no effort to find the party's address or to ask the party's counsel for an address. Kott v. Super. Ct., 45 Cal. App. 4th 1126, 1138-39 (1996).

Here, Schumacher can both contact Hassim's counsel and look for Hassim's address in Canada. The Court DENIES Plaintiff's

1 motion to serve Hassim by publication, without prejudice. It  
2 GRANTS Plaintiff's motion to extend time. The new deadline for  
3 service is thirty days from the date of this order.

4 IT IS SO ORDERED.

5  
6 Dated: August 16, 2016



CLAUDIA WILKEN  
United States District Judge